

HOUSE BILL NO. 364

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TUCK

Introduced: 2/22/22

Referred: State Affairs

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to the Alaska Legislative Council and the Legislative Budget and Audit**
2 **Committee."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 24.20.020 is amended to read:

5 **Sec. 24.20.020. Membership.** Except as provided in (b) of this section, the
6 [THE] legislative council is composed of the president of the senate, the senate
7 minority leader or the senate minority leader's designee, and five [SIX] other
8 senators appointed by the president, and the speaker of the house of representatives,
9 the house minority leader or the house minority leader's designee, and five [SIX]
10 other representatives appointed by the speaker. Except as provided in (e) of this
11 section, the [THE MEMBERSHIP FROM EACH HOUSE SHALL INCLUDE AT
12 LEAST ONE MEMBER FROM EACH OF THE TWO MAJOR POLITICAL
13 PARTIES. THE] appointing authority in each house shall make and announce the
14 appointment or reappointment of members of the council within 10 [15] days after the

1 convening of the first regular session of each legislature.

2 * **Sec. 2.** AS 24.20.020 is amended by adding new subsections to read:

3 (b) If a house of the legislature fails to organize within 10 days after the first
4 regular session of a legislature convenes, the members of the council from the
5 unorganized house shall be determined as follows:

6 (1) members of the unorganized house who served on the council from
7 that house immediately before the legislature convened shall remain members;

8 (2) if there is an unfilled seat remaining after the application of (1) of
9 this subsection, a member of the unorganized house who has the longest length of
10 service in that house shall fill the remaining unfilled seat.

11 (c) When applying the provisions of (b) of this section, if two or more
12 members tie for the longest length of service, the lieutenant governor or temporary
13 presiding officer, whichever is presiding over the unorganized house, shall determine
14 the replacement member by lot.

15 (d) The lieutenant governor or temporary presiding officer, whichever is
16 presiding over the unorganized house, shall advise the unorganized house of the
17 temporary members of the council under this section.

18 (e) If a house of the legislature fails to organize within 10 days after the first
19 regular session of a legislature convenes, the appointing authority of that house shall
20 appoint the members of the council from that house within five days after that house
21 organizes. The members determined under (b) of this section serve as members of the
22 council until the members are appointed under this subsection. Any organization of the
23 council before permanent members of the council are appointed under this subsection
24 is temporary.

25 * **Sec. 3.** AS 24.20.040 is amended to read:

26 **Sec. 24.20.040. Vacancies.** Except as provided in (b) of this section, when
27 [WHEN] a vacancy occurs in the statutory or appointive membership of the council,
28 the presiding officer of the house incurring the vacancy shall fill the vacancy within 30
29 days. If the office of the president of the senate or speaker of the house of
30 representatives becomes vacant and a vacancy occurs among the appointed members
31 of the council, the remaining council members from the house incurring the vacancy

1 shall appoint a new member. [A LEGISLATOR APPOINTED TO FILL A
 2 VACANCY SHALL BE A MEMBER OF THE SAME POLITICAL PARTY AS
 3 THE MEMBER VACATING THE SEAT, WHEN POSSIBLE.]

4 * **Sec. 4.** AS 24.20.040 is amended by adding a new subsection to read:

5 (b) When a vacancy occurs in the membership of the council from a house that
 6 has not organized, the remaining council members from the house incurring the
 7 vacancy shall appoint a new member within 30 days after the vacancy occurs.

8 * **Sec. 5.** AS 24.20.110 is amended to read:

9 **Sec. 24.20.110. Meetings.** The legislative council may meet during sessions of
 10 the legislature and during intervals between sessions at such times and places inside
 11 the state as the chair [CHAIRMAN] may determine. The council shall meet
 12 immediately after the appointment of its membership under AS 24.20.020(a) or (e),
 13 or, if applicable, immediately after the determination of its membership under
 14 AS 24.20.020(b) or (c), at the first regular session of each legislature for purposes of
 15 organization. Minutes of each meeting shall be kept. One-half of the membership
 16 constitutes a quorum to do business. Members may receive, for the minimum time
 17 required to get to and from meetings and while attending meetings, the same travel
 18 fare and per diem allowances provided by law for members of the legislature when
 19 attending sessions.

20 * **Sec. 6.** AS 24.20.161 is amended to read:

21 **Sec. 24.20.161. Membership.** Except as provided in (b) of this section, the
 22 [THE] Legislative Budget and Audit Committee is composed of 10 members: the
 23 chairs [CHAIRMEN] of the senate and house finance committees; one member
 24 selected from each of the senate and house finance committees and appointed by the
 25 president of the senate and the speaker of the house, respectively; the house minority
 26 leader or the house minority leader's designee and the senate minority leader or
 27 the senate minority leader's designee; and two [THREE] members appointed from
 28 each house by the respective presiding officer. The chair [CHAIRMAN] of the
 29 finance committee may choose not to serve on the committee. If this occurs, the
 30 presiding officer of the appropriate house shall appoint a replacement from the finance
 31 committee. [THE MEMBERSHIP FROM EACH HOUSE SHALL INCLUDE AT

1 LEAST ONE MEMBER FROM EACH OF THE TWO MAJOR POLITICAL
 2 PARTIES. THE COMMITTEE SHALL SELECT ITS OWN CHAIRMAN.]

3 * **Sec. 7.** AS 24.20.161 is amended by adding new subsections to read:

4 (b) If a house of the legislature fails to organize within 10 days after the first
 5 regular session of a legislature convenes, the members of the committee from the
 6 unorganized house shall be determined as follows:

7 (1) the members of the unorganized house who served as members,
 8 except as an alternate member, on the committee from that house immediately before
 9 the legislature convened shall remain members;

10 (2) if there are not five members eligible under (1) of this subsection
 11 and a member of the unorganized house served on the committee as an alternate
 12 member from that house immediately before the legislature convened, the member
 13 who served as an alternate member shall be a member; and

14 (3) if there is an unfilled seat remaining after application of (1) and (2)
 15 of this subsection, a member of the unorganized house who has the longest length of
 16 service in that house shall fill the remaining unfilled seat.

17 (c) When applying the provisions of (b) of this section, if two or more
 18 members tie for the longest length of service, the lieutenant governor or temporary
 19 presiding officer, whichever is presiding over the unorganized house, shall determine
 20 the replacement member by lot.

21 (d) The lieutenant governor or temporary presiding officer, whichever is
 22 presiding over the unorganized house, shall advise the unorganized house of the
 23 temporary members of the committee under this section.

24 * **Sec. 8.** AS 24.20.165 is amended to read:

25 **Sec. 24.20.165. Alternate members.** The Legislative Budget and Audit
 26 Committee shall have two alternate members in addition to the members designated in
 27 AS 24.20.161. Except as provided in (b) of this section, the [THE] president of the
 28 senate shall appoint one alternate member from the senate finance committee and the
 29 speaker of the house shall appoint one alternate member from the house finance
 30 committee. The alternate members shall serve on the committee when a meeting of the
 31 committee has been called and the chair [CHAIRMAN] determines that there will not

1 be enough members in attendance at the meeting to provide a quorum. While serving
 2 as alternates, the alternate members have the same duties and responsibilities as
 3 committee members **designated in** [APPOINTED UNDER] AS 24.20.161, and they
 4 are entitled to the same travel and per diem allowances.

5 * **Sec. 9.** AS 24.20.165 is amended by adding a new subsection to read:

6 (b) If a house of the legislature fails to organize within 10 days after the first
 7 regular session of a legislature convenes, the alternate member of the Legislative
 8 Budget and Audit Committee from the unorganized house shall be determined as
 9 follows:

10 (1) if the member who served as the alternate on the committee from
 11 that house immediately before the legislature convened is a member of the
 12 unorganized house and is not already a member under AS 24.20.161(b), that member
 13 shall remain the alternate member;

14 (2) if the member who served as the alternate on the committee from
 15 that house immediately before the legislature convened is not a member of the
 16 unorganized house or is already a member under AS 24.20.161(b), when possible, the
 17 alternate shall be a member who has the longest length of service in that house after
 18 application of AS 24.20.161(b); when applying the provisions of this paragraph, if two
 19 or more members tie for the longest length of service, the lieutenant governor or
 20 temporary presiding officer, whichever is presiding over the unorganized house, shall
 21 determine the replacement member by lot.

22 (c) The lieutenant governor or temporary presiding officer, whichever is
 23 presiding over the unorganized house, shall advise the unorganized house of the
 24 temporary members of the committee under this section.

25 * **Sec. 10.** AS 24.20.171(a) is amended to read:

26 (a) **Except as provided in (c) of this section, the** [THE] committee shall be
 27 organized within 10 days after the organization of each legislature. Members serve for
 28 the duration of the legislature during which they are appointed.

29 * **Sec. 11.** AS 24.20.171 is amended by adding a new subsection to read:

30 (c) If a house of the legislature fails to organize within 10 days after the first
 31 regular session of a legislature convenes, the presiding officer of that house shall make

the permanent appointments to the Legislative Budget and Audit Committee within five days after that house organizes. The members determined under AS 24.20.161(b) and the alternate member determined under AS 24.20.165(b) serve on the committee until the permanent appointments are made under this subsection. Any organization of the committee before permanent members of the committee are appointed under this subsection is temporary.

* **Sec. 12.** AS 24.20.181 is amended to read:

Sec. 24.20.181. Vacancies. Except as provided in (b) of this section, when [WHEN] a vacancy occurs in the statutory or appointive membership of the committee, the presiding officer of the house incurring the vacancy shall choose a successor within 30 days. If the office of the president of the senate or speaker of the house of representatives becomes vacant and a vacancy from the affected house occurs among the membership of the committee, the remaining committee members from the house incurring the vacancy shall appoint a new member.

* **Sec. 13.** AS 24.20.181 is amended by adding a new subsection to read:

(b) When a vacancy occurs in the membership of the committee from a house that has not organized, the remaining committee members from the house incurring the vacancy shall appoint a new member within 30 days after the vacancy occurs.

* **Sec. 14.** AS 24.20 is amended by adding a new section to read:

Article 4. General Provisions.

Sec. 24.20.900. Definitions. In this chapter,

(1) "length of service" means the continuous period of service as a legislator immediately preceding convening of a regular session;

(2) "organized" means a permanent presiding officer of a house has been elected;

(3) "unorganized house" means the senate if the senate has not organized or the house of representatives if the house of representatives has not organized.